

REMARKS

This Amendment is submitted in response to the July 14, 2005 Office Action issued in connection with the above-identified patent application. The pending claims are claims 58-78, with claims 58, 63, 68, 73 and 78 being independent. Independent claims 58 and 68 have been amended as set forth above. No new matter has been added. It is respectfully requested that the Examiner review and reconsider the amended claims in view of the following remarks.

In the Office Action, the Examiner has indicated that claims 63-67 and 73-78 would be allowable if a double patenting rejection in view of U.S. Patent No. 6,754,484 would be overcome. Applicants submit herewith a Terminal Disclaimer for this purpose along with a check for the \$130 fee. However, the Examiner has rejected claims 58 and 68 as allegedly rendered obvious by the combination of U.S. Patent No. 6,595,417 (O'Hagan et al.) in view of U.S. Patent No. 6,513,015 (Ogasawara). Applicants respectfully traverse this rejection.

Claims 58 and 68 have been amended to state that the beacon receives a public message from a sender device "when the sender device or an intermediate device capable of communicating with the sender device is within the local operating range of the beacon". Support for this amendment is found on page 11, lines 11-17 of the subject application. This is also illustrated in FIG. 2 of the subject application wherein a host 12 can communicate directly with a beacon (e.g., beacon 14c₁) when in the operating range of that beacon, or indirectly with a beacon (e.g., beacon 14b₂) when within the operating range of an intermediate device (e.g., beacon 14b₁) which is, in turn, within the operating range of beacon 14b₂. This feature is not shown or suggested in O'Hagan et al. or in any of the other cited references. Specifically, with regards to O'Hagan et al., this reference teaches:

"The customer information network generally comprises a merchant's host computer 12, an in-store portable transaction computer (PTC) 14, a wireless local area network 16 including a plurality of access points 18, and a wired backbone 20 for communicating data between the host 12 and the PTC 14. The terms 'portable transaction computer (PTC)' and 'customer information terminal (CIT)' are used interchangeably throughout the specification and claims. An infrared portable transaction computer (IR PTC) position detection system 22 including a plurality of IR transmitters 24 generating a unique signature pattern which is detected by an IR receiver on PTC 14 when the PTC 14 is located within range of the transmitter 24 and a customer's home terminal (CHT) 26 is connectable (sic) to the host computer 12 via a data channel 28. The data channel 28 will typically be either a direct dial modem connection or an internet connection 30 through an internet service provider (ISP) 32. The network 10 may also include a plurality of manufacturer's servers 34, each corresponding to the manufacturer of a product available at the merchant's store. Each manufacturer's server is communicatively coupled to the merchant's host 12 via the internet 30." (emphasis added)

See O'Hagan et al, Col. 6 lines 28-50.

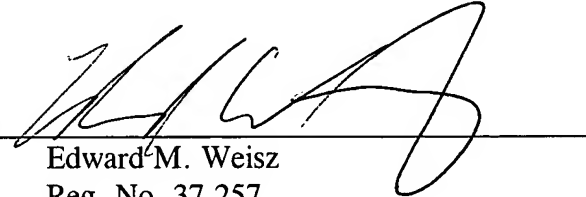
O'Hagan, therefore, requires that a public message is received from a sender device 34, such as the manufacturer's server, which is not located within the operating region of the infrared portable transaction computer, e.g., a beacon, but is, instead, in communication with the beacon via a merchant's host via a direct dial modem connection or an Internet connection 30. In contrast, claims 58 and 68 now state that the public message is received "when the sender device or an intermediate device capable of communicating with the sender device is within the local operating range of the beacon". Because this feature is not found in O'Hagan et al., Ogasawara or in any of the other cited references, it is believed that independent claims 58 and 68, as now amended, are in condition for immediate allowance. Accordingly, claims 59-62 and claims 69-72 which depend, respectively, from amended independent claims 58 and 68, are also believed to be allowable.

It is believed that no fees or charges are required at this time in connection with the present application; however, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,

COHEN, PONTANI, LIEBERMAN & PAVANE

By

A handwritten signature in black ink, appearing to read 'E. Weisz', is written over a horizontal line.

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